

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JUSTIN RIDENOUR,

Petitioner,

-vs-

TIM BRUNSMAN, Warden,

Respondent.

:

Case No. 3:05-cv-264

:

District Judge Walter Herbert Rice
Chief Magistrate Judge Michael R. Merz

:

**ORDER DISSOLVING STAY OF THIS CASE AND DIRECTING FURTHER
PROCEEDINGS**

On March 7, 2006, this Court stayed these proceedings pending the outcome of Petitioner's Application for Delayed Reopening under Ohio App. R. 26(B)(Doc. No. 11). On August 23, 2006, the Ohio Supreme Court denied Petitioner's request to appeal from denial of that Application in the Miami County Court of Appeals. *State v. Ridenour*, Ohio Sup. Ct. Case No. 2006-1020. Petitioner's state court remedies having been exhausted, the stay of these proceedings is DISSOLVED.

Both parties to this case shall advise the Court in writing not later than September 10, 2006, whether they desire to file any additional memoranda before the Court proceeds to decide this matter.

August 29, 2006.

s/ Michael R. Merz
Chief United States Magistrate Judge